

## II. REMARKS

The Examiner is requested to reconsider the application in view of the foregoing amendment and the following remarks.

The Amendment is being made not in response to the Office Action, so as to trigger potential file wrapper estoppel, but rather in response to the decision in *BMC Resources, Inc. v. Paymentech, L.P.*, Civ. No. 2006-1503 (Fed. Cir. Sept. 20, 2007) and to update claim language by removing certain more arcane phrasing. Generally, it is believed that the amendment adds no new matter.

**Conclusion**

In sum, favorable action is requested, and again, Applicant suggests that a personal interview prior to the next examination could advance prosecution by ensuring a common understanding of this matter.

If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824. 0235, and if any extension of time is needed to reply or enter this filing that this shall be deemed a petition therefore. Please direct all communication to the undersigned at the address given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'P. K. Trzyna', followed by a horizontal line.

Date: September 5, 2008

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